

## United States District Court

SOUTHERN

DISTRICT OF

TEXAS

JUN 14 2015

McALLEN DIVISION

UNITED STATES OF AMERICA

V.

Rick Anthony Vargas  
A208 274 212PRINCIPAL  
YOB: 1994

United States

David J. Bradley, Clerk

## CRIMINAL COMPLAINT

Case Number:  
M-15-0973 -M

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about June 13, 2015 in Hidalgo County, in the Southern District of Texas defendants(s) did,

*(Track Statutory Language of Offense)*

**knowing or in reckless disregard of the fact that Jennifer Acuna-Salazar, citizen and national of the United Mexican States and Alexander Gutierrez-Cruz, citizen and national of El Salvador and five (5) other undocumented aliens for a total of seven (7), who had entered the United States in violation of law, did knowingly transport, or move or attempt to transport said aliens in furtherance of such violation of law within the United States, that is, from a location in Mission, Texas to the point of arrest near Mission, Texas.**

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY  
 I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

**On June 13, 2015, at approximately 7:25 a.m., McAllen Border Patrol agent J. Martinez observed a white Jeep Liberty exit an area known as La Lomita Church in Mission, Texas at a high rate of speed. This area is a notorious for alien and narcotics smuggling due to its close proximity to the Rio Grande River (approximately 350 yards). Agent Martinez caught up to the vehicle on Conway Road and Military Highway to get a closer look and noticed the vehicle was heavy laden and observed the driver attempting to avoid eye contact with him. He observed multiple subjects attempting to duck and conceal themselves from view inside the vehicle. At this point, Agent Martinez conducted a vehicle stop to determine the citizenship and nationality on the passengers. The driver, Rick Anthony VARGAS, was determined to be a United States Citizen. The seven passengers were determined to be undocumented aliens illegally present in the United States. The driver, VARGAS, was placed under arrest for transporting undocumented aliens and all subjects were transported to the McAllen Border Patrol station for processing.**

Continued on the attached sheet and made a part of this complaint:

Yes  No

Signature of Complainant

Sworn to before me and subscribed in my presence,

June 14, 2015  
Date

at

McAllen, Texas  
City and StatePeter E. Ormsby, U. S. Magistrate Judge  
Name and Title of Judicial Officer

Julio Ibarra Senior Patrol Agent

Printed Name of Complainant

Signature of Judicial Officer

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
McALLEN, TEXAS

ATTACHMENT TO CRIMINAL COMPLAINT:

M-15-*0973* -M

RE: Rick Anthony Vargas

A208 274 212

CONTINUATION:

PRINCIPAL STATEMENT:

Once at the Border Patrol Station, VARGAS was advised of his Miranda Rights by Border Patrol Agents. VARGAS understood his rights and provided a sworn statement without the presence of an attorney.

VARGAS stated that a subject known only as Hatim was going to pay him \$100 per person smuggled. Hatim was giving him instructions over the phone during the smuggling attempt. VARGAS stated when he arrived at the La Lomita Park in Mission, Texas several subjects ran out of the brush and into his vehicle. VARGAS stated that as he exited the park he observed a Border Patrol unit follow him, the agent looked inside his vehicle and then he was pulled over. He stated that the subjects were saying "run" but they were unable to exit the vehicle because the doors were locked.

MATERIAL WITNESSES STATEMENTS:

Once at the Border Patrol Station, both of the material witnesses were advised of their Miranda Rights. Both stated that they understood their rights and were willing to provide a statement without the presence of an attorney.

1-Jennifer ACUNA-Salazar stated that she is a citizen and national of Mexico. She paid approximately \$200 to get smuggled into the United States. On June 13, 2015, she was smuggled by raft into the United States along with a group of subjects. Once in the U.S., they walked until they reached a park. They waited in the brush until a vehicle arrived and picked them up. As they drove away, they immediately saw a Border Patrol truck that started to follow them. They were stopped shortly after. ACUNA was able to identify VARGAS from a photo lineup as the driver of the vehicle.

2-Alexander GUTIERREZ-Cruz stated that he is a citizen and national of El Salvador. He paid a smuggler approximately \$4,000 in smuggling fees to get smuggled to Dallas, Texas. On June 13, 2015, they were smuggled by raft into the United States. Once in the U.S., they got picked up but were subsequently stopped. GUTIERREZ was able to identify VARGAS from a photo lineup as the driver of the vehicle.